

WICHITA POLICE DEPARTMENT

POLICY NO. 515

SUBJECT: INTOXICATED PERSONS	
Effective Date: 4/2/2020	Distribution: All Personnel
Reviewed/Approved Date: 2/12/2020	Next Review Date: April 2017
Approved By: Executive Staff	Amends/Rescinds: 4/30/2015
<i>This policy is for departmental use only and does not apply in any criminal or civil proceeding. This policy should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting</i>	

I. POLICY

The Wichita Police Department recognized challenges of chronic behavioral crises related to substance abuse conditions. The primary police function when responding to these types of calls is to restore order by deescalating incidents and referring citizens in crisis to appropriate treatment.

II. PROCEDURES

A. General Guidelines

1. Being intoxicated is not a criminal offense. No person may be arrested for simply being intoxicated.
2. Any officer dealing with an intoxicated person, who, in the officer's opinion, IS NOT intoxicated to the point of constituting a danger to themselves or others should first attempt to find the person a way home.
 - a. Should the officer be unable to locate the home of the intoxicated person, the officer may attempt to contact family members to recommended possible treatment options for the intoxicated person. The officer will recommend options for the intoxicated person from the Intoxicated Persons referral List, located on the Police Secure Site. The officer may also provide them the following information.
 1. Comcare of Sedgwick County Addiction Treatment Services:
316-660-7550
 2. Substance Abuse Center of Kansas (SACK) Sobering/Detox Units:
635 N Main Wichita, KS 67203
316-633-4705
 3. DCCCA's Adult Services facilities

- i. Options (Men)
122 N Millwood, Wichita, KS 67203
316-265-6011
 - ii. Womens Recovery Center (Women)
1319 W May Street, Wichita, KS 67213
316-262-0505
- 4. Patients who have VA benefits: 24 hour / 7 days
Administrator of the Day: 316-651-3614
- 3. Should an officer come into contact with an intoxicated person, who, in the officer's opinion, is intoxicated to the point of constituting a danger to themselves or others, the officer shall take the person into custody without a warrant, pursuant to K.S.A. 59-2953(a). Reasonable caution should be observed by officers in anticipation of the intoxicated person becoming violent.
- 4. Officers who take into custody an intoxicated person who is believed to constitute a danger to themselves or others, shall adhere to the following:
 - a. If a local hospital is not requested, have EMS transport the intoxicated person to the nearest hospital providing alcohol treatment services, for an examination by an on-duty physician or psychologist.
 - b. After an examination, if the physician/psychologist does not believe the person to be a danger to themselves or others the officer shall (in accordance to K.S.A. 59-2953(a):
 - 1. Return the person to the place they were taken into to custody; or
 - 2. Take the person to the place requested if within the same community; or
 - 3. Release the person at a location the officer believes to be appropriate under the circumstances; or
 - 4. If the person requests to be released immediately the officer shall do so unless the officer believes it is in the best interest of the person or the person's family or the general public to take the person elsewhere for release.
 - 5. An incident report is required to be completed and should include the name of the physician and/or psychologist.
 - c. If the physician/psychologist believes the person is likely to cause harm

to themselves or others if allowed to remain at liberty, the officer shall complete an “Application for Emergency Observation and Treatment” form, which will be obtained from the hospital or treatment facility.

1. The officer will document on the form the following information;
 - i. The name and address of the person [in known];
 - ii. The name and address of the person’s spouse or nearest relative [if known];
 - iii. The officer’s believes the person is intoxicated and is likely to cause harm to themselves or others if not immediately detained; and
 - iv. The factual circumstances under which the person was taken into custody.
2. The officer shall retain the original and submit it with an Incident Report. A copy of the Emergency Observation and Treatment form, along with a copy of the Incident Report shall be left with the treatment facility personnel.